



General Assembly

January Session, 2001

Raised Bill No. 1269

LCO No. 4096

Referred to Committee on Energy and Technology

Introduced by:
(ET)

***AN ACT IMPLEMENTING THE LEGISLATIVE COMMISSIONERS'
RECOMMENDATIONS FOR TECHNICAL REVISIONS TO UTILITY
LAWS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivisions (15) and (16) of section 16-1 of the general
2 statutes are repealed and the following is substituted in lieu thereof:

3 (15) "Community antenna television service" means [(1)] (A) the
4 one-way transmission to subscribers of video programming or
5 information that a community antenna television company makes
6 available to all subscribers generally, and subscriber interaction, if any,
7 which is required for the selection of such video programming or
8 information, and [(2)] (B) noncable communications service;

9 (16) "Community antenna television system" means a facility,
10 consisting of a set of closed transmission paths and associated signal
11 generation, reception and control equipment that is designed to
12 provide community antenna television service which includes video
13 programming and which is provided in, under or over any public
14 street or highway, for hire, to multiple subscribers within a franchise,

15 but such term does not include [(1)] (A) a facility that serves only to
16 retransmit the television signals of one or more television broadcast
17 stations; [(2)] (B) a facility that serves only subscribers in one or more
18 multiple unit dwellings under common ownership, control or
19 management, unless such facility is located in, under or over a public
20 street or highway; [(3)] (C) a facility of a common carrier which is
21 subject, in whole or in part, to the provisions of Subchapter II of
22 Chapter 5 of the Communications Act of 1934, 47 USC 201 et seq., as
23 amended, except that such facility shall be considered a community
24 antenna television system and the carrier shall be considered a public
25 service company to the extent such facility is used in the transmission
26 of video programming directly to subscribers; or [(4)] (D) a facility of
27 an electric company which is used solely for operating its electric
28 company systems.

29 Sec. 2. Subsection (f) of section 16-2a of the general statutes is
30 repealed and the following is substituted in lieu thereof:

31 (f) As used in this section, "consumer" means any person, city,
32 borough or town [,] that receives service from any public service
33 company, electric supplier or from any certified telecommunications
34 provider in this state whether or not such person, city, borough or
35 town is financially responsible for such service.

36 Sec. 3. Subsections (a) and (b) of section 16-11a of the general
37 statutes are repealed and the following is substituted in lieu thereof:

38 (a) There is established a Nuclear Energy Advisory Council which
39 shall (1) hold regular public meetings for the purpose of discussing
40 issues relating to the safety and operation of the nuclear power
41 generating facilities located in this state and to advise the Governor,
42 the General Assembly and municipalities within a five-mile radius of
43 any nuclear power generating facility in this state of such issues, (2)
44 work in conjunction with agencies of the federal, state and local
45 governments and with any electric company operating a nuclear
46 power generating facility to ensure the public health and safety, (3)

47 discuss proposed changes in or problems arising from the operation of
48 a nuclear power generating facility, (4) communicate with any electric
49 company operating a nuclear power generating facility [,] about safety
50 or operational concerns at the facility, which communications may
51 include, but not be limited to, receipt of written reports and
52 presentations to the council, and (5) review the current status of
53 facilities with the Nuclear Regulatory Commission.

54 (b) The advisory council shall consist of: (1) Two members
55 appointed by the president pro tempore of the Senate and two
56 members appointed by the speaker of the House of Representatives;
57 (2) the Commissioner of Environmental Protection, or [his] said
58 commissioner's designee; (3) one representative of an operator of a
59 nuclear power generating facility located in the state, appointed by the
60 Governor; (4) two electors from each municipality in which a nuclear
61 power generating facility is located, appointed by the chief executive
62 officers of said municipalities; and (5) four electors each of whom is
63 from a municipality which is adjacent to a municipality in which a
64 nuclear power generating facility is located, one appointed by the
65 majority leader of the House of Representatives, one appointed by the
66 majority leader of the Senate, one appointed by the minority leader of
67 the House of Representatives, and one appointed by the minority
68 leader of the Senate.

69 Sec. 4. Subsection (g) of section 16-19 of the general statutes is
70 repealed and the following is substituted in lieu thereof:

71 (g) The department shall hold either a special public hearing or
72 combine an investigation with an ongoing four-year review conducted
73 in accordance with section 16-19a or with a general rate hearing
74 conducted in accordance with subsection (a) of this section on the need
75 for an interim rate decrease (1) when a public service company has, for
76 six consecutive months, earned a return on equity which exceeds the
77 return authorized by the department by at least one percentage point,
78 (2) if it finds that any change in municipal, state or federal tax law

79 creates a significant increase in a company's rate of return, or (3) if it
80 finds that a public service company may be collecting rates which are
81 more than just, reasonable and adequate, as determined by the
82 department, provided the department shall require appropriate notice
83 of hearing to the company and its customers who would be affected by
84 an interim rate decrease in such form as the department deems
85 reasonable. The company shall be required to demonstrate to the
86 satisfaction of the department that earning such a return on equity or
87 collecting rates which are more than just, reasonable and adequate is
88 directly beneficial to its customers. At the completion of the
89 proceeding, the department may order an interim rate decrease if it
90 finds that such return on equity or rates [~~exceed~~] exceeds a reasonable
91 rate of return or [~~are~~] is more than just, reasonable and adequate as
92 determined by the department. Any such interim rate decrease shall be
93 subject to a customer surcharge if the interim rates collected by the
94 company are less than the rates finally approved by the department or
95 fixed at the conclusion of any appeal taken as a result of any finding by
96 the department. Such surcharge shall be assessed against customers in
97 such amounts and by such procedure as ordered by the department.

98 Sec. 5. Subsection (a) of section 16-43 of the general statutes is
99 repealed and the following is substituted in lieu thereof:

100 (a) A public service company shall obtain the approval of the
101 Department of Public Utility Control to directly or indirectly (1) merge,
102 consolidate or make common stock with any other company, or (2)
103 sell, lease, assign, mortgage, except by supplemental indenture in
104 accord with the terms of a mortgage outstanding May 29, 1935, or
105 otherwise dispose of any essential part of its franchise, plant,
106 equipment or other property necessary or useful in the performance of
107 its duty to the public, provided (A) a public service company other
108 than a water company may sell, lease, assign, mortgage or otherwise
109 dispose of real property with an appraised value of fifty thousand
110 dollars or less without such approval, and (B) a water company
111 supplying water to more than five hundred consumers may sell, lease,

112 assign, mortgage, or otherwise dispose of real property, other than
113 public watershed or water supply lands, with an appraised value of
114 fifty thousand dollars or less without such approval. The department
115 shall not accept an application to sell watershed or water supply lands
116 until the Commissioner of Public Health issues a permit pursuant to
117 section 25-32. The condemnation by a state department, institution or
118 agency of any land owned by a public service company shall be subject
119 to the provisions of this subsection. On February 1, 1996, and annually
120 thereafter, each public service company shall submit a report to the
121 Department of Public Utility Control of all real property sold, leased,
122 assigned, mortgaged, or otherwise disposed of without the approval of
123 said department during the previous calendar year. Such report shall
124 include for each transaction involving such property, without
125 limitation, the appraised value of the real property, the actual value of
126 the transaction and the accounting journal entry which recorded the
127 transaction.

128 Sec. 6. Subsection (b) of section 16-50c of the general statutes is
129 repealed and the following is substituted in lieu thereof:

130 (b) On or before January 1, 1998, and on or before January first of
131 each year thereafter, any private, nonprofit land-holding organization
132 may provide in writing to the Department of Public Utility Control its
133 mailing address and a list of the municipalities in this state in which
134 such organization may own land or any municipality adjacent to such
135 municipalities which address is suitable for the purpose of receiving
136 notice of the sale, lease or other disposition of water company land as
137 provided in this section. On or before February 1, 1998, and on or
138 before February first of each year thereafter, said department shall
139 publish and make available to every water company, as defined in
140 section 16-1, a list setting forth for the Nature Conservancy, the Trust
141 for Public Land, the Land Trust Service Bureau and each private,
142 nonprofit land-holding organization which has provided such
143 information, such organization's mailing address and the
144 municipalities in which such organization may own land and the

145 adjacent municipalities. Such list shall be valid until January thirty-first
146 of the following calendar year. Information contained on such list shall
147 be carried forward on each succeeding year's list unless a change in
148 such information, or the discontinuation of such information on such
149 list, is requested by the entity which submitted it and any changes in,
150 or discontinuation of, information to be incorporated in the following
151 year's list shall be submitted to the Department of Public Utility
152 Control on or before January first for inclusion on the list to be
153 published on February first. Whenever, one hundred twenty days after
154 July 1, 1998, any water company, as defined in section 16-1, owning
155 any contiguous area of real property containing three acres or more,
156 intends to sell, lease or otherwise dispose of such land, or a portion
157 thereof, such company shall, not later than ninety days prior to
158 offering such land for sale or otherwise negotiating with or notifying
159 any other potential purchaser, or any agent of a potential purchaser,
160 (1) notify in writing, by certified mail, return receipt requested, the
161 Department of Public Utility Control, the Commissioner of Public
162 Health, the Commissioner of Environmental Protection, any water
163 company, as defined in section 25-32a, with an existing or potential
164 source of supply or service area in any municipality in which such
165 land is situated, any water company, as defined in said section 25-32a,
166 with an existing or potential source of supply or service area in a
167 contiguous municipality, the chief executive officer or officers of the
168 municipality in which such land is situated, the Nature Conservancy,
169 the Trust for Public Land, the Land Trust Service Bureau and any
170 private, nonprofit land-holding organization set forth on the list
171 published annually by the Department of Public Utility Control
172 pursuant to this section which organization has indicated to the
173 department that it may own land in the municipality in which the land
174 is located or in an adjacent municipality provided such notice shall
175 inform recipients of information pertaining to the acreage and location
176 of the land to be sold, leased, or otherwise disposed of and such notice
177 shall state that additional information, including a map of the
178 property, is available at the company and further provided, for any

179 application submitted to the Department of Public Utility Control for
180 disposition of such land within two years after such ninety-day period,
181 no further notice shall be required, and (2) provide further public
182 notice by causing a notice to be published in a newspaper of general
183 circulation in the municipalities where such water company land is
184 situated not more than forty-five days [nor] or less than thirty days
185 before and not more than thirty days after filing an application for
186 approval with the department of such intention to sell, lease or
187 otherwise dispose of such land. Such public notice shall be published
188 in a display form that shall serve substantially to notify the public of
189 the availability of the property and shall be published in print no
190 smaller than ten-point type size. If a recipient of notice under this
191 subsection enters into a contract to purchase such land, the closing on
192 the sale shall take place not later than twelve months after the contract
193 is entered into unless the period for closing is extended by mutual
194 agreement of the parties to the contract. No agreement to sell, lease or
195 otherwise dispose of such land may be entered into by such water
196 company except as provided in this section. Any private, nonprofit
197 land-holding organization which is considering acquiring the interest
198 in the land which the water company intends to sell, lease or dispose
199 of [] must identify itself as a potential acquirer by giving written
200 notice to the Department of Public Utility Control and to the water
201 company by certified mail, return receipt requested, not more than
202 ninety days after the water company files an application for approval.
203 The department shall approve or disapprove the disposition of such
204 property pursuant to subsection (a) of section 16-43, as amended by
205 this act, not more than one hundred fifty days after its receipt of an
206 application for such sale, lease or other disposition pursuant to this
207 subsection and failure to take action within such period shall be
208 deemed to constitute approval. The department shall hold a hearing on
209 all such land transactions in which the acquisition cost of the parcels
210 involved or the transfer consideration is in excess of fifty thousand
211 dollars. The hearing shall be held in the municipality where such land
212 is located. If such land is located in more than one municipality the

213 department shall determine in which municipality the hearing shall be
214 held. If the hearing is scheduled for more than one day or continues for
215 more than one day the department may reconvene the hearing at the
216 offices of the department. An application shall not be filed with the
217 department until the Commissioner of Public Health issues a permit
218 pursuant to section 25-32. The municipality in which such land is
219 situated shall be a party to all proceedings before the department
220 involving such land brought pursuant to sections 16-50b to 16-50e,
221 inclusive.

222 Sec. 7. Subsection (a) of section 16-50k of the general statutes is
223 repealed and the following is substituted in lieu thereof:

224 (a) Except as provided in subsection (b) of section 16-50z, no person
225 shall exercise any right of eminent domain in contemplation of,
226 commence the preparation of the site for, or commence the
227 construction or supplying of a facility, or commence any modification
228 of a facility, that may, as determined by the council, have a substantial
229 adverse environmental effect [,] in the state without having first
230 obtained a certificate of environmental compatibility and public need,
231 hereinafter referred to as a "certificate", issued with respect to such
232 facility or modification by the council, except fuel cells with a
233 generating capacity of ten kilowatts or less which shall not require
234 such certificate. Any facility with respect to which a certificate is
235 required shall thereafter be built, maintained and operated in
236 conformity with such certificate and any terms, limitations or
237 conditions contained therein. Notwithstanding the provisions of this
238 subsection, the council shall, in the exercise of its jurisdiction over the
239 siting of generating facilities, approve by declaratory ruling (1) the
240 construction of a facility solely for the purpose of generating
241 electricity, other than an electric generating facility that uses nuclear
242 materials or coal as fuel, at a site where an electric generating facility
243 operated prior to July 1, 1998, and (2) the construction or location of
244 any fuel cell, unless the council finds a substantial adverse
245 environmental effect.

246 Sec. 8. Subsection (c) of section 16-247f of the general statutes is
247 repealed and the following is substituted in lieu thereof:

248 (c) On petition, on its own motion, or in conjunction with a tariff
249 investigation conducted pursuant to subsection (f) of this section, after
250 notice and hearing, and within ninety days of receipt of a petition or its
251 motion or within the time period set forth in subsection (f) of this
252 section, as applicable, the department may reclassify a
253 telecommunications service as competitive, emerging competitive or
254 noncompetitive, in accordance with the degree of competition which
255 exists for that service in the marketplace, provided (1) a competitive
256 service shall not be reclassified as an emerging competitive service [.]
257 and (2) the department may extend the period (A) before the end of the
258 ninety-day period and upon notifying all parties to the proceedings by
259 thirty days, or (B) in accordance with the provisions of subsection (f) of
260 this section, as applicable.

261 Sec. 9. Subsection (a) of section 16-247o of the general statutes is
262 repealed and the following is substituted in lieu thereof:

263 (a) The Department of Public Utility Control shall, after consultation
264 with the Office of Consumer Counsel, retain a consultant for the
265 purpose of overseeing the testing of a telephone company's interface
266 [into] with its operations support systems, as set forth in subsection (a)
267 of section 16-247n, and attempting to resolve expeditiously any
268 disputes that arise among interested parties. The costs of the
269 consultant shall be recovered from certified telecommunications
270 providers and telephone companies using such operations support
271 systems in the manner provided in section 16-49. The contract with
272 such consultant shall include provisions for the testing of operations
273 support systems and shall require the consultant to recommend
274 adequate performance standards and appropriate methodologies of
275 operations support systems testing, that may include, but are not
276 limited to, the use of an artificial telecommunications provider, and to
277 implement whatever testing methodology is selected for use. The

278 department shall select a testing methodology through a process that
279 provides an opportunity for input from any certified
280 telecommunications provider that uses such operations support
281 systems, the applicable telephone company and the Office of
282 Consumer Counsel. Such a contract shall also provide for status
283 reports as required by the department.

284 Sec. 10. Section 16-247s of the general statutes is repealed and the
285 following is substituted in lieu thereof:

286 Each certified telecommunications provider, as defined in section
287 16-1, that provides local exchange service to customers in the state
288 shall provide without charge to [the] a telephone company serving
289 more than one hundred thousand customers for directory assistance
290 purposes all listings for its Connecticut customers other than those
291 listings that are nonpublished. [Said] Such telephone company, or its
292 agent or affiliate as applicable, shall, in accordance with the terms and
293 conditions set forth in the federal Telecommunications Act of 1996, as
294 from time to time amended, and any applicable order or regulation
295 adopted by the Federal Communications Commission thereunder,
296 including the availability and timing of updates and applicable rates,
297 compile all such listings and all listings for its own Connecticut
298 customers other than those that are nonpublished in a directory
299 assistance database and make all such listings contained in [said] such
300 database available in electronic format to directory assistance
301 providers. If a customer requests a customer listing from a certified
302 telecommunications provider that does not provide directory
303 assistance, [said] such provider shall connect the customer at no charge
304 with an entity that provides directory assistance to the customer. Each
305 such certified telecommunications provider shall indemnify [said] a
306 telephone company for any damages caused by that certified
307 telecommunications provider's negligence in misidentifying a
308 nonpublished customer.

309 Sec. 11. Subsection (a) of section 16-258a of the general statutes is

310 repealed and the following is substituted in lieu thereof:

311 (a) Each person that sells natural gas to an end user in the state and
312 is not (1) a gas company, as defined in section 16-1, (2) a municipal gas
313 utility established under chapter 101 or any other gas utility owned,
314 leased, maintained, operated, managed [] or controlled by any unit of
315 local government under any general statute or any public or special
316 act, or (3) a gas pipeline or gas transmission company subject to the
317 provisions of chapter 208, shall register with the Department of Public
318 Utility Control prior to making any such sale by filing a form supplied
319 by said department.

320 Sec. 12. Section 16-280d of the general statutes is repealed and the
321 following is substituted in lieu thereof:

322 The Department of Public Utility Control shall require [of] any
323 person that owns any pipeline facilities or that engages in the
324 transportation of gas or maintains pipeline facilities within the state to
325 maintain such records, make such reports and provide such
326 inspections as are required by the federal act or by any regulation
327 adopted by the department pursuant to subsection (b) or (c) of section
328 16-280b. The department may require the filing of such information as
329 is necessary to determine compliance with applicable standards and
330 regulations.

Statement of Purpose:

To implement the Legislative Commissioners' recommendations for technical changes to the public utility laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]